

NETFLIX, INC. v. BLOCKBUSTER INC.

Case No. 06 2361 WHA (JCS)

EXHIBIT K

TO

**DECLARATION OF WILLIAM J. O'BRIEN IN SUPPORT OF
BLOCKBUSTER'S BRIEF ON CLAIM CONSTRUCTION**

Filed on December 27, 2006

726 liquid • literature

: flowing freely like water 2 : having the properties of a liquid ; being neither solid nor gaseous 3 a : shining and clear (large ~ eyes) b : being musical and free of harshness in sound c : smooth and unconstrained in movement d : articulated without friction and capable of being prolonged like a vowel (a ~ consonant) 4 a : consisting of or capable of ready conversion into cash (~ assets) b : capable of covering current liabilities quickly with current assets — **liquid-i-ty** *li-kwɪdɪt̬i* *n* — **liquid-ly** *li-kwɪdɪlɪ* *adv* — **liquid-ness** *li-kwɪd-n̬es* *n*

liquid *n* (1530) 1 : a liquid consonant 2 : a fluid (as water) that has no independent shape but has a definite volume and does not expand indefinitely and that is only slightly compressible *liquid-am-bar* *li-kwɪd-əm-bar* *n* [NL, fr. *L. liquidus* + *ML. ambar*, *ambra* amber] (ca. 1577) 1 : **STORAX** 1b 2 : any of a genus (*Liquidambar*) of deciduous No. American and Asian trees (as the sweet gum) of the witch-hazel family with monoecious flowers and spiny globose fruit composed of many woody capsules each having two carpels *liqui-date* *li-kwɪd-dæt̬i* *vb* -dated; -dating [*LL. liquidatus*, pp. of *liquidare* to melt; fr. *L. liquidus*] *v* (ca. 1575) 1 : to determine by agreement or by litigation the precise amount of (indebtedness, damages, or accounts) (2) : to determine the liabilities and apportion assets toward discharging the indebtedness of b : to settle (a debt) by payment or other settlement 2 : **arcuate** : to make clear 3 : to do away with 4 : to convert (assets) into cash ~ *v* 1 : to liquidate debts, damages, or accounts 2 : to determine liabilities and apportion assets toward discharging indebtedness — **liquidation** *li-kwɪd-æt̬i-ʃn* *n* — **liquid-a-tor** *li-kwɪd-ə-tɔr* *n* (ca. 1828) : one that liquidates; esp : an individual appointed by law to liquidate assets

liquid crystal *n* (1891) : an organic liquid whose physical properties resemble those of a crystal in the formation of loosely ordered molecular arrays similar to a regular crystalline lattice and the anisotropic refraction of light

liquid crystal display *n* (1968) : LCD

liquidize *vI* *li-kwɪd-iz̬i* *vb* -ized; -izing (1837) : to cause to be liquid

liquid measure *n* (ca. 1678) : a unit or series of units for measuring liquid capacity — see METRIC SYSTEM table, WEIGHT table

li-qua*r* *li-kwɔr* *n* [ME *hour*, fr. AF, fr. *L. liquor*, fr. *liquore*] (13c) : a liquid substance as a : a usu. distilled rather than fermented alcoholic beverage b : a watery solution of a drug c : BATH 2b(1)

2uor *vb* **li-quor****d** *li-qua*r*ing* *li-kwɔr-ing* *vI* (1502) 1 : to dress (as leather) with oil or grease 2 : to make drunk with alcoholic liquor — usu. used with up ~ *v* 1 : to drink alcoholic liquor esp. to excess — usu. used with up

li-quo-ri-ces *chiefly Brit var of LICORICE*

1 *li-rɑ* *n*, pl. **li-ras *li-rɑz* [It, fr. *L. libra*, a unit of weight] (1617) : the basic monetary unit of Italy until 2002**

2 *n*, pl. **li-ras [Turk, fr. It] (1871) — see MONEY table**

3 *n*, pl. **li-rot or **li-rot** *li-rɔt*, *-rɔθ* [MedHeb, fr. It] (ca. 1946) : the former Israeli pound**

4 *n*, pl. **li-rl *li-rɔrl* [Maltese, fr. It] (ca. 1985) — see MONEY table**

li-ri-ope *li-rɔip̬i* *n* [NL, fr. *Liriope*, a nymph in Roman mythology] (1946) : any of a genus (*Liriope*) of stemless Asian herbs of the lily family that are widely cultivated as ground cover for their grasslike leaves and small white, blue, or violet flowers

li-ri-pip*e* *li-rɔip̬i-pip̬i* *n* [NL *liriopiu*] (1594) : a pendent part of a trumpet; also : TIPPET, SCARF

lisente *pl* of SENTIE

lisla *li-sla* *n*, often **an** [Lille, France] (1858) : a smooth tightly twisted thread usu. made of long-staple cotton

1 *li-sp* *vb* [ME, fr. OE -wysplan; akin to OHG *lispen* to lisp] *v* (bef. 12c) 1 : to pronounce the sibilants /s/ and /z/ imperfectly esp. by turning them into /h/ and /h/ 2 : to speak falteringly, childishly, or with a lisp ~ *v* 1 : to utter falteringly or with a lisp — **lisper *n* (ca. 1625) 1 : a speech defect or affection characterized by lisping 2 : a sound resembling a lisp**

LISP *li-sp* *n* [lit processing] (1959) : a computer programming language that is designed for easy manipulation of data strings and is used extensively for work in artificial intelligence

lis-some *li-som* *adj* [alter. of *lisethome*] (1763) 1 a : easily flexed b : **LIMBE** 2 : NIMBLE — **lis-some-ly** *adv* — **lis-some-ness** *n*

1list *li-st* *vb* [ME *lystan*, fr. OE *lystan*; akin to OE *lust* desire, lust] *v* (bef. 12c) : **arcuate** : PLEASE, SUIT ~ vi, **arcuate** : WISH, CHOOSE

2list *n* [ME, prob. fr. *lysten*] (13c) : **arcuate** : INCLINATION, CRAVING

3list *vb* [ME, fr. OE *lystan*, fr. *lyst* hearing; akin to OE *lyhsman* to listen] *v* (bef. 12c) : **arcuate** : LISTEN ~ vi, **arcuate** : to listen to : HEAR

4list *n* [ME, fr. OE *list* akin to OHG *lista* edge, Alb *leth*] (bef. 12c) 1 : a band or strip of material; a : **LISTEL** b : SELVAGE c : a narrow strip of wood cut from the edge of a board 2 : **pl** **bit** sing or pl in constr : an arena for combat (as jousting) b : a field of competition or controversy 3 : **ob** : LIMIT, BOUNDARY 4 : STURE

5list *v* (1635) 1 : to cut away a narrow strip from the edge of 2 : to prepare or plant (land) in ridges and furrows with a lister

6list *n* [origin unknown] (1582) : a deviation from the vertical : **ILT**; also : the extent of such a deviation

7list *v* (1626) : to tilt to one side; esp. of a boat or ship : to tilt to one side in a state of equilibrium (as from an unbalanced load) — compare **HEEL** ~ *v* 1 : to cause to list

8list *n* [TF, fr. *lista*, of Gmc origin; akin to OHG *lista* edge] (1602) 1 a : a simple series of words or numerals (as the names of persons or objects) (a guest ~) b : an official roster : ROLL 2 : CATALOG, CHECKLIST 3 : the total number to be considered or included (a situation that heads their ~ of troubles)

9list *vI* (1614) 1 a : to make a list of; ENUMERATE b : to include on a list : REGISTER 2 : to place (oneself) in a specified category (~ himself as a political liberal) 3 : **arcuate** : RECRUIT ~ vi 1 : **arcuate** : ENLIST 2 : to become entered in a catalog with a selling price (a car that ~s for \$12,000) — **list-ee** *li-sit̬i* *n*

lis-te*li* *li-sit̬i* *n*, **lis-te*li*** *li-sit̬i* [TF, fr. *li-liste*, dim of *lista* list, roster] (1598) : a narrow band in architecture : FILLET

lis-ten *li-sen* *vb* [lis-tened; lis-ten-ing] *li-sen*, *li-sen-ing* [ME *listenn*, fr. OE *lyhsnan*; akin to Skt *sr̥janati* he hears, OE *hlid* loud] *v* (bef. 12c) : **arcuate** : to give ear to : HEAR ~ vi 1 : to pay attention to sound (~ to music) 2 : to hear something with thoughtful attention : give con-

sideration (~ to a plea) 3 : to be alert to catch an expected ~ (~ for his step) — **lis-ten-er** *li-sen-ər*, *li-sen-ər* *n*

2listen *n* (1788) : an act of listening

lis-ten-able *li-sen-əbl̬i*, *li-sen-ər-əbl̬i* *adj* (1942) : agreeable to listen

lis-ten-er-ship *li-sen-ər-əs̬ip*, *li-sen-ər-ər-əs̬ip* *n* (1943) : the audience for a radio program or recording; also : the number or kind of that audience

listen in (1905) 1 : to tune in or monitor a broadcast 2 : to listen to a conversation without participating in it; esp : EAVESDROPPING

lis-ten-er *n*, **lis-ten-ing** *li-sen*, *li-sen-ing* [ME *lis-en*] (1942) : a center for monitoring electronic communications (as of an enemy)

lis-star *li-star* *n* (1952) : one that lists or catalogs

lis-ter *n* [Psl] (1887) : a double-moldboard plow often equipped with a subsoiling attachment and used mainly where rainfall is limited

lis-to-ri-o-sis *li-si-ri-ə-sis*, *li-si-ri-ər-əs̬is* *n*, **pl** -oses *li-si-ri-əs̬is* [NL, fr. *Listeria*, Joseph Lister] (1941) : a serious encephalitic disease of a wide range that in animals is often fatal but in humans is usu. not fatal

lis-to-ri-o-ty *li-si-ri-ə-ti* *n* (1941) : an act or instance of making or listing

list-ing *li-si-ŋ* *n* (1641) 1 : something that is listed

list-less *li-si-les* *adj* [ME *listles*, fr. *li-si-ly*] (15c) : characterized by lack of interest, energy, or spirit (~ melancholy attitude) — **synec** *li-si-ly* — **list-less-ly** *adv* — **list-less-ness** *n*

list price *n* (1871) : the basic price of an item as published in a catalog, price list, or advertisement before any discounts are taken

List-serv *li-si-ərv* *trademark* — used for software for managing e-mail transmissions to and from a list of subscribers

lit *VII* *past* and *past part* of LIGHT

lit *n* by shortening (1850) : LITERATURE — **lit adj**

lit over *lit* 2 [liter] : literally

lit-a-ny *li-ta-ni*, *li-ta-ni* *n*, **pl** -ries [ME *letanie*, fr. AF & NL *AF* & *LI* *litania*, fr. LGk *litaneia*, fr. Grk, entrcy, fr. *litane suppliatio*] (12c) 1 : a prayer consisting of a series of invocations and supplications 2 : the leader with alternate responses by the congregation 2 a : monastic or repetitive chant (~ of chivering phrases — Herman Wouk) b : a usu. lengthy recitation or enumeration (a familiar ~ of plains); c : a sizable series or set (a ~ of problems)

lit-as *li-ta-ss* *n*, **pl** *li-ta-ss*, *li-ta-ss* *n* [NL *litia*] (1923) — **li-ta-ss** *n*, **pl** *li-ta-ss* [NL *litia*, fr. initial letters of NL *Lituania*, F *Lituanie*, etc.] (1923) — **li-ta-ss** *n*, **pl** *li-ta-ss* *table*

Lit B *var* of **LITI D**

lit-chi *var* of LYCHEE

lit crit *VIII*, *li-krif* *n* (1963) : literary criticism

Lit D *var* of **LITI D**

lite *li-ti* *adj* 1 : LIGHT 9a 2 : diminished or lacking in substance or seriousness (~ news); specif : being an innocuous or unthreatening version — often used postpositively (it is film noir ~ — James Berg)

lite n *com form* FF, alter. of *lithe*, fr. Grk *lithos* stone] : bland (*chrobolite*) : rock (*caratite*) : fossil (*strombolite*)

lit-er *li-tə* *n* [TF *lime*, fr. ML *lira*, a measure, fr. Grk, a weight] (13c) : a metric unit of capacity equal to one cubic meter — see METRIC SYSTEM table

lit-er-a-cy *li-tə-rə-si* *n* (1883) : the quality or state of being literate

lit-er-al *li-tə-rə-l* *adj* [ME, fr. MF, fr. ML *literalis*, fr. L, of a letter, *littera* letter] (14c) 1 a : according with the letter of the scripture b : adhering to fact or to the ordinary construction or primary meaning of a term or expression : ACTUAL (liberty in the ~ sense is impeded — B. N. Cardozo) c : free from exaggeration or embellishment (~ truth) d : characterized by a concern mainly with facts (a *very* ~ man) 2 : of, relating to, or expressed in letters 3 : reproduced and for word : EXACT, VERBATIM (a ~ translation) — **lit-er-al-ly** *li-tə-rə-lē* — **lit-er-al-ness** *li-tə-rə-nəs* *n*

liter *n* (1612) : a small error usu. of a single letter (as in writing)

lit-er-al-ism *li-tə-rə-liz̬m*, *li-tə-rə-liz̬m* *n* (1644) 1 : adherence to the explicit substance of an idea or expression (*biblical* ~) 2 : fidelity to observable fact : REALISM — **lit-er-al-ist** *li-tə-rə-ist* *n* — **lit-er-al-istic** *li-tə-rə-istik* *adj*

lit-er-al-ize *li-tə-rə-iz̬z* *vb* -ized; -izing (1826) : to make literate

lit-er-al-iz-za-tion *li-tə-rə-iz̬z-ə-zi-ə-shn* *n*

lit-er-al-ly *li-tə-rə-lē*, *li-tə-rə-lē*, *li-tə-rə-lē* *adv* (1533) 1 : in a literal sense or manner : ACTUALLY (look the remark ~) (was ~ honest) 2 : in effect : VIRTUALLY (will ~ turn the world upside down to combat cruelty or injustice — Norman Cousins)

usage Since some people take sense 2 to be the opposite of sense 1, it has been frequently criticized as misuse. Instead, the use is pure perbole intended to gain emphasis, but it often appears in contexts where no additional emphasis is necessary.

lit-er-ary *li-tə-rə-rē*, *li-tə-rə-rē*, *li-tə-rə-rē* *adj* (1749) 1 a : of, relating to, or having the characteristics of humane learning or literature b : BOOKISH 2 : coddled or relating to books 2 a : WELL-READ b : of or relating to authors or scholars or to their professions — **lit-er-ari-ly** *li-tə-rə-rē-ly* *adv* — **lit-er-ari-ness** *li-tə-rə-nəs* *n*

literary executor *n* (1868) : a person entrusted with the management of the papers and unpublished works of a deceased author

lit-er-ate *li-tə-rət̬i*, *li-tə-rət̬i* *adj* [ME *literat*, fr. L *litteratus* marked with letters, literate, fr. *litteras* letters, literature, fr. pl. *littera*] (13c) 1 a : EDUCATED, CULTURED b : able to read and write 2 : versed in literature or creative writing : LITERARY b : LUCID, POLISHED (~ essay) c : having knowledge or competence (computer-literacy ~ politically ~) — **lit-er-ate-ly** *adv* — **lit-er-ate-ness** *li-tə-rə-nəs* *n*

lit-er-ate *n* (ca. 1550) 1 : an educated person 2 : a person who can read and write

lit-er-a-ri *li-tə-rər̬i*, *li-tə-rər̬i* *n* pl *litar*s *li-tə-rər̬i* (1621) 1 : the educated class; also : INTELLIGENTSIA 2 : persons interested in literature or the arts

lit-er-a-tim *li-tə-rə-tim*, *li-tə-rə-tim* *adv* or *adj* [ML, fr. L *litterum*] (1671) : liter for letter (printed ~ from the manuscript — I. A. Gordon)

lit-er-a-tion *li-tə-rə-tiōn*, *li-tə-rə-tiōn* *n* [L *littera* + E -tion] (ca. 1889) : the representation of sound or words by letters

lit-er-a-tor *li-tə-rə-tɔr*, *li-tə-rə-tɔr*, *li-tə-rə-tɔr* *n* (1791) : LITERATEUR

lit-er-a-ture *li-tə-rə-tūr*, *li-tə-rə-tūr*, *chur*, *li-tə-rə-chur*, *li-tə-rə-chur*, *-chur*, *li-tə-rə-tūr* *n* [ME, fr. AF, fr. L *litteratura* writing, grammar, learning, *li*-